

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Norwich City College of Further and Higher
Education (City College Norwich)

 Ipswich Road
 Norwich
 NR2 2LJ

I, Richard Palmer, Principal, of Norwich City College of Further and Higher Education, for and on behalf of Norwich City College of Further and Higher Education, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Norwich City College of Further and Higher Education is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Norwich City College of Further and Higher Education and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") received a report on Friday, 11 February 2011, detailing two instances where a total of 80 student files, some of which contained sensitive personal data including medical information, were inappropriately disposed of.
3. The two incidents occurred as a result of student files, which were scheduled for secure destruction, being placed in standard black bin bags and insecurely left for collection. Cleaning staff subsequently collected the bin bags in question and disposed of them in a skip, which was located within the grounds of the college. City College Norwich does appear to have acceptable information governance in place; however, in this case City College Norwich has failed to formally implement a policy for the collation, secure storage and disposal of confidential waste. The omission of a confidential waste policy subsequently lead to a lack of practical

awareness by college staff, which resulted in the breach noted above. Furthermore, the risk posed by the lack of an appropriate policy, failed to be identified by City College Norwich.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data involved in this incident consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.
5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- (1) A formal policy for the handling and disposal of confidential waste be written and implemented. The policy should include specific reference to confidential waste NOT being placed in standard black bin bags and the mandatory use of coloured, labelled sacks to clearly identify the contents as confidential waste.**
- (2) Staff are made aware of the data controller's policy on confidential waste management and are appropriately trained how to follow that policy;**
- (3) Compliance with the policy is appropriately and regularly monitored**
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Dated

Signed

Richard Palmer
Principal
Norwich City College of Further and Higher Education

Signed

Sally-Anne Poole
Acting Head of Enforcement
For and on behalf of the Information Commissioner